

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),
WÄDENSWIL BRANCH, BAYER S.A.S.,
and MERIAL LIMITED,

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

Civ. Action No. 10-CV-274

**MOTION TO FILE DOCUMENTS
UNDER SEAL**

Defendant Cheminova, Inc. (hereinafter “Defendant”) hereby moves the Court to file under seal Cheminova, Inc.’s Objections to Plaintiffs’ Inclusion of a Late-Submitted Expert Report and Extrinsic Evidence in Support of their Proposed Claim Constructions (“Cheminova’s Objections”), along with the Declaration of Joshua C. Krumholz filed in support thereof (including all exhibits to said declaration).

In support of this Motion, Cheminova states as follows:

The parties to this case entered into a Stipulated Protective Order (“the Protective Order”) entered by the Court on August 27, 2010. (Docket No. 40.) Paragraph II.B.1 of the Protective Order defines “confidential information” as non-public information that involves the personal or privacy interests of individuals under the laws where such individuals reside. Paragraph II.B.2 of the Protective Order defines “highly confidential information” as confidential information whose disclosure would be likely to cause harm

to the competitive position of the producing party. Paragraphs VIII.2 and VIII.3 of the Protective Order states that a party may file documents under seal with the Court if it is necessary to submit confidential or highly confidential material.

Cheminova's Objections include, among other things, a discussion of expert reports and deposition transcripts that have been designated by the parties as either "confidential information" or "highly confidential information" under the protective order. Likewise, the accompanying declaration of Joshua C. Krumholz annexes portions of the underlying protected information as exhibits thereto. Accordingly, Defendant hereby moves the Court under paragraphs VIII.2 and VIII.3 of the Protective Order to seal Cheminova's Objections, along with the Declaration of Joshua C. Krumholz filed in support thereof (including all exhibits to said declaration).

WHEREFORE, Defendant moves this Court to file and retain under seal Cheminova's Objections, along with the Declaration of Joshua C. Krumholz filed in support thereof (including all exhibits to said declaration).

Respectfully submitted this 1st day of July, 2011.

Respectfully submitted,

By: /s/Alan M. Ruley
William K. Davis
Alan M. Ruley
BELL, DAVIS & PITT, P.A.
100 N. Cherry Street, Suite 600
Winston-Salem, NC 27101
wdavis@belldavispitt.com
aruley@belldavispitt.com
Phone No. (336) 722-3700
Fax No. (336) 722-8153

/s/ Steven L. D'Alessandro

Joshua C. Krumholz

Christopher G. Kelly

Steven L. D'Alessandro

Robert J. Burns

HOLLAND & KNIGHT LLP

31 West 52nd Street

New York, NY 10019

joshua.krumholz@hklaw.com

christopher.kelly@hklaw.com

steven.dalessandro@hklaw.com

robert.burns@hklaw.com

Phone No. (212) 513-3200

Fax No. (212) 385-9010

*Attorneys for Defendant and Counter-Plaintiff
Cheminova, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Catherine Nyarady	cnyarady@paulweiss.com
Craig Benson	cbenson@paulweiss.com
Jayson L. Cohen	jlcohen@paulweiss.com
John E. Nathan	jnathan@paulweiss.com
Kenneth A. Gallo	kgallo@paulweiss.com
Kent E. Kemeny	kkemeny@paulweiss.com
Kripa Raman	kraman@paulweiss.com
Pressly McCauley Millen	pmillen@wcsr.com
Robert J. Koch	rkoch@milbank.com
Jitendra Malik	jmalik@alstonbird.com
Frank G. Smith	Frank.smith@alston.com
Judy C. Jarecki-Black	judy.jarecki@merial.com
John Patrick Elsevier	jpelsevier@jonesday.com
Matthew W. Howell	Matthew.howell@alston.com

/s/ Steven L. D'Alessandro_____